

REMARKS/ARUMENTS

I. Status of the Claims

Claims 1-7, 9-17, 19-25, and 28-35 are currently pending in this application, with claims 28-32 being withdrawn from consideration until their rejoinder. It is respectfully submitted that no new matter is being introduced by virtue of this amendment.

II. Double Patenting

In the Office Action, claims 1-7, 9-17, and 19-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 16 of the U.S. Patent No. 6,730,696 to Kozak et al. The Examiner acknowledged the filing of a Request for a Certificate of Correction in U.S. Patent No. 6,730,696, but stated that "the instant request for certificate of correction has not been issued or approved."

Applicants respectfully submit that the Request for a Certificate of Corrections in U.S. Patent No. 6,730,696 has now been granted. Accordingly, claims 8 and 16 of the '696 patent would now recite the following:

8. The compound according to claim 1 selected from the group consisting of:

1-Stearoyl-2-{3-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]propanoyl} sn-glycero-3-phosphocholine,

1-Stearoyl-2-{4-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]butanoyl}-sn-glycero-3-phosphocholine,

1-Stearoyl-2-{5-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]valeroyl}-sn-glycero-3-phosphocholine,

1-Stearoyl-2-{6-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]hexanoyl}-sn-glycero-3-phosphocholine, and

1-Stearoyl-2-{8-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]octanoyl}-sn-glycero-3-phosphocholine.

16. The pharmaceutical composition according to claim 9, wherein said compound of the general formula I is selected from the group consisting of:

1-Stearoyl-2-{3-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido] propanoyl}-sn-glycero-3-phosphocholine,
1-Stearoyl-2-{4-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]butanoyl}-sn-glycero-3-phosphocholine,
1-Stearoyl-2-{5-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]valeroyl}-sn-glycero-3-phosphocholine,
1-Stearoyl-2-{6-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]hexanoyl}-sn-glycero-3-phosphocholine, and
1-Stearoyl-2-{8-[1-(p-chlorobenzoyl)-5-methoxy-2-methyl
indolylacetamido]octanoyl}-sn-glycero-3-phosphocholine.

Applicants respectfully submit that the species recited in claims 8 and 16 of the '696 patent do not have a residue of ibuprofen (i.e., a residue of 2-[4-(2-methylpropyl)phenyl]propanoic acid) in moiety D of formula I. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

III. Rejoinder

Applicants respectfully request that the withdrawn claims 28-32 be considered for rejoinder.

IV. Conclusion

Reconsideration of the present application, as amended, is respectfully requested. If the Examiner has any questions or concerns regarding this response, the Examiner is respectfully requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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